sary culpability may be drawn from a closer analysis of the intent here presented. In fact the intent is twofold — being primarily to publish the letter to the friend, and secondarily to injure the plaintiff by publishing the libel. If the letter had been sent to one newspaper, and it were intercepted and published by another, surely the main intent being to publish, and the method of publication secondary, culpability would ensue. Whether, in the principal case, the secondary intent to injure by the publication is sufficiently strong to create liability, is a question of degree. *Cf. Fox* v. *Broderick*, 14 Ir. C. L. Rep. 453.

LIBEL AND SLANDER — ACTS AND WORDS ACTIONABLE — SENDING CARD OF RIVAL UNDERTAKER TO FAMILIES IN WHICH THERE IS SERIOUS ILLNESS. — Hughes and the defendant were rivals in the undertaking business, having no other local competitors. The defendant printed and sent to families in which there was at the time serious illness the following card: "Bear in mind our Undertaking Department. Satisfaction guaranteed. [Signed] H. L. Hughes." Hughes sues for libel. *Held*, that defendant's demurrer be overruled. *Hughes* v. *Samuels Bros.*, 159 N. W. 589 (Ia.).

The written statement in this unique case, plus its necessary implications, amounts to this: "I, [the plaintiff], solicit your business by this card." Such a statement is certainly untrue, and is made with malice; but it apparently does not come within the generally accepted limits of libelous words, since, taken by itself, it can injure neither the plaintiff's reputation nor his business. See ODGERS, LIBEL AND SLANDER, 5 ed., 2. It becomes libelous, however, because of an extrinsic circumstance, the time at which it is published. But any statement must need extrinsic circumstances to become a libel. An accusation of theft, for instance, is libelous only because of that extrinsic circumstance, the institution of private property. Accordingly it is submitted that what extrinsic circumstances are incorporated into a written statement is merely a question of degree, and that the statement in the principal case is rightly held libelous. *Morrison* v. *Ritchie & Co.*, [1902] 4 Sc. Sess. Cas. 645. *Cf. Rocky Mountain News Printing Co.* v. *Fridborn*, 46 Colo. 440, 104 Pac. 956; *Fitzpatrick* v. *Age-Herald Pub. Co.*, 184 Ala. 510, 63 So. 980; *Pavesich* v. *New England Life Ins. Co.*, 122 Ga. 190, 220, 50 S. E. 68, 81. In the principal case the court rests the decision upon the broad principle that to injure another intentionally without justification is a tort, and, where the instrument of injury is the publication of written words, a libel. Thus the law of libel is at once rationalized and made an integrated part of our modern law of torts. See 29 HARV. L. REV. 559. The principal case is perhaps the first to announce such a doctrine of libel, formerly only an action on the case having been allowed for such torts as these. ODGERS, LIBEL AND SLANDER, 5 ed., 77 *et seq.* But whether or not the case is properly called one of libel, recovery is justified. For there is certainly intended injury, justified if at all by competition; and competition by means of telling lies is hardly to be protected.

MARRIAGE — NULLIFICATION — RIGHT TO DISCONTINUE ACTION FOR ANNULMENT. — A husband brought a bill for the annulment of his marriage. Subsequently he moves for leave to discontinue the action. *Held*, that the motion be denied. *Ginther* v. *Ginther*, 56 N. Y. L. J. 132 (Sup. Ct., App. Div.).

A suitor has a right before the final decision to discontinue any action or proceeding instituted by him, if no rights have accrued to others. *In re Butler*, 101 N. Y. 307, 4 N. E. 518. But where there is a public interest in the correct adjudication of the controversy the court may refuse to allow leave to abandon the action. So one who contests an election is refused permission to discontinue his contest. *Miles* v. *Macon*, 188 S. W. 313 (Mo.). See 24 HARV. L. REV. 673. In divorce suits the rights of the parties to the record are not alone to be con-